

FREEDOM *of* CONSCIENCE

DEFENSE FUND

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October 14, 2019

The Hon. William H. Orrick III
U.S. District Court, Northern District of California
San Francisco Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Planned Parenthood Fed. of Am., et al. v. Ctr. for Med. Progress, et al.*
Case No. 3:16-cv-0236-WHO

Your Honor:

The defendants write in response to the plaintiffs' request for a United States Marshal to escort their witnesses from the courthouse. Initially, we note that the incident in question, that took place last Friday, did not involve any kind of "threat"; rather, it involved questions from a reporter in public areas outside the courthouse. Therefore, it was not a "security incident" that we believe warrants the pressing into service of a uniformed armed officer. If anything, the plaintiffs could provide their own non-uniformed and unarmed escort for their witnesses as they deem appropriate.

The use of an official government armed escort would be prejudicial to the defense because it would play into the plaintiffs' narrative that it was similarly necessary for them to hire uniformed and armed security guards for certain of their personnel after the public release of the CMP videos. Since this is an element of plaintiffs' claimed damages, the creation of such an impression would be unfairly prejudicial to the defense.

If the Court considers the incident in question to warrant the assigning of an official armed security detail to the plaintiffs' witnesses, paid for at government expense, then the defendants respectfully request that in all cases this take place outside the presence of any of the jurors. That

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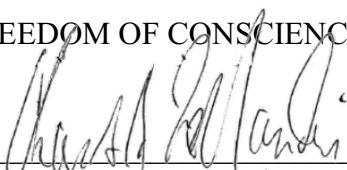
October 7, 2019

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would mean that any such plaintiffs' witnesses would need to be escorted from the premises either before the jury is released or, at the end of the day, after all the jurors have left the premises. Thank you for your consideration of this matter.

Respectfully submitted,

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/s/ Charles S. LiMandri

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*Counsel for Defendants CMP, BioMax Procurement,
Gerardo Adrian Lopez, and David Daleiden*

(On Behalf of All Defendants)